

BEFORE THE DEPARTMENT OF CORRECTIONS  
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PUBLIC
amendment of ARM 20.9.101, 20.9.106,	)	HEARING ON PROPOSED
20.9.113, and 20.9.122, involving youth	)	AMENDMENT, ADOPTION,
placement committees, and proposed adoption	)	AND REPEAL
of NEW RULES I through VIII, and repeal	)	
of ARM 20.9.123, 20.9.124, 20.9.128, 20.9.129,	)	
20.9.134, 20.9.135, 20.9.140, and 20.9.141	)	
involving the juvenile detention intervention	)	
program (JDIP)	)	

TO: All Concerned Persons

1. On May 8, 2006 at 10:00 a.m., a public hearing will be held in Room 24 of the Department of Corrections Annex at 1539 11th Ave., Helena, Montana, to consider the proposed amendment, adoption, and repeal of the above-stated rules.

2. The Department of Corrections (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on May 1, 2006 to advise us of the nature of the accommodation that you need. Please contact Myrna Omholt-Mason, Department of Corrections, 1539 11th Ave., P.O. Box 201301, Helena, Montana 59620-1301; telephone (406) 444-3930; fax (406) 444-4920; e-mail momholt-mason@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The changes in these rules are primarily recommended by the Legislative Audit Division's Performance Audit of the Juvenile Delinquency Intervention Program (JDIP), October 2005, as necessary to clarify allowable expenditures and establish standards for program monitoring and oversight consistent with legislative intent. The department proposes to adopt new rules involving JDIP and place them in a different subchapter to achieve greater clarity in the language and organization of the rules. Changes to rules affecting youth placement committees are generally proposed to correct grammar and clarify intent and meaning. Other specific reasons are listed below.

4. The rules proposed to be amended provide as follows, stricken matter interlined, and new matter underlined:

20.9.101 DEFINITIONS For the purpose of ~~this rule~~ subchapter 1 and [NEW SUBCHAPTER I] of these rules, the following definitions apply:

(1) and (2) remain the same.

(3) "Change in placement" means the transfer or physical movement of an offender from a previously approved residential placement ~~to another placement at a~~

higher level of supervision. It does not include an emergency placement of 45 days or less.

(4) "Committee" means a youth placement committee appointed ~~by the youth court judge~~ pursuant to 41-5-121, MCA.

(5) through (7) remain the same.

~~(8) "Cost containment review panel" means the panel established in 41-5-131, MCA.~~

~~(9) "Community alternatives" means programs, placements, or services provided or funded through the youth court probation office within the community of residence of the youth's parents or guardian, but does not include pre-adjudicatory detention.~~

(8) "Court administrator" means the office of the administrator of the Montana Supreme Court referred to in 41-5-2011, MCA.

(10) and (11) remain the same but are renumbered (9) and (10).

(11) "District" refers to both participating and nonparticipating judicial districts.

(12) remains the same.

~~(13) "Early intervention alternatives" means provision of supervision or diversionary and prevention programs or services to a youth by the youth court upon initial referral to the youth court for a misdemeanor offense or services intended to prevent first offenders from further involvement in the juvenile delinquency justice system.~~

~~(14) "Juvenile delinquency intervention program" or "JDIP" means the program established by the Montana legislature and implemented by the department of corrections to more effectively manage juvenile placement services and funding as provided in 41-5-2003, MCA.~~

~~(15) "Mental health professional" has the meaning as defined in means a psychiatrist, psychologist or a professional person certified pursuant to 53-21-106, MCA 53-21-102, MCA.~~

(16) remains the same.

(17) "Panel" means the cost containment review panel as provided for in 41-5-131, MCA.

(18) remains the same.

~~(17)(19) "Placement" has the same meaning as "out-of-home placement" as defined in 41-5-103, MCA, and used throughout these rules, but may include shelter care, detention, and emergency placements of less than 45 days.~~

(20) "Placement alternatives" means programs or services in lieu of out-of-home placement for youth referred to youth court.

(21) "Prevention incentive funds" or "PIF" means funds remaining in the participating districts' accounts from the initial budget allocation at the end of a fiscal year. These funds are also described as the youth court intervention and prevention account in 41-5-2011, MCA.

(22) "Recidivism" means a youth has been referred to juvenile probation, received services or placement, and during supervision is referred for another violation or requires a higher level of placement or service.

(19) and (20) remain the same but are renumbered (23) and (24).

~~(24)~~(25) "Referring worker" means the youth court probation officer or case manager charged with supervision and case management of ~~an offender~~ a youth at the time of referral.

~~(22)~~(26) "Residential placement" means placement in a licensed youth care facility other than a state youth correctional facility.

(23) remains the same but is renumbered (27).

(28) "Risk assessment" means an instrument approved by the department for use by youth courts initially to individually assess risks to a youth and determine appropriate intervention or placement, and subsequently to measure the effectiveness of the intervention or placement.

(29) "Service" means intervention activities, other than or in addition to placements, that mitigate risks or fulfill needs identified in an approved risk assessment.

(30) "Supplemental allocation" means funds from the cost containment fund allocated by the department to a district in accordance with [NEW RULE V].

~~(24) "Surplus funds" means funds remaining in the participating district's account from the initial budget allocation at the end of a fiscal year.~~

~~(25) "Unused cost containment funds" means funds allocated to the cost containment fund which remain in the cost containment fund at the end of a fiscal year or funds allocated by the cost containment review panel to a participating or non-participating district which remain in the district's allocation account at the end of a fiscal year.~~

(31) "Youth" means an individual who is less than 18 years of age without regard to sex or emancipation, as defined in 41-5-103, MCA.

~~(26)~~(32) "Youth correctional facility" means a facility ~~for the rehabilitation of delinquent youth such as the Pine Hills Youth Correctional Facility, Riverside Youth Correctional Facility, or a youth correctional facility under contract with the department of corrections.~~

AUTH: 41-5-2003, 41-5-2006, 41-5-2011, 53-1-203, MCA

IMP: 41-5-103, 41-5-121, 41-5-123, 41-5-124, 41-5-125, 41-5-130, 41-5-131, 41-5-132, 41-5-2011, 53-1-203, MCA

REASON: Section (3) removes the restriction that a change in placement may only be made to "higher level of supervision" and allow for changes to lower levels of supervision. Former sections (8) and (9) remove unnecessary definitions. Section (4) deletes specific identification of the entity responsible to appoint youth placement committee members to be consistent with 2003 legislative changes to 41-5-121, MCA. Sections (11) and (12) are amended for clarity and style. Section (13) incorporates the audit recommendation to delete any implied restriction on availability of early intervention program to youth. Sections (14), (15), and (17) are amended for clarity and style. Sections (19) through (32) are amended for clarity and style and in response to the audit recommendations. In particular, section (19) deletes the reference to "detention" because the county, not the department, is responsible to pay for the costs of detention under 41-5-1807(1), MCA. Section (20) inserts a definition for "placement alternatives" to acknowledge that type of placement. Section (28) clarifies the purpose and use of the risk assessment tool

referenced in statute. Former sections (24) and (25) are deleted in lieu of a description of these funds in the body of the rules. In particular, the term "surplus funds" will be substituted with "prevention incentive funds" to more accurately convey that a restriction exists on spending these moneys. In section (31) the definition of "youth" in 41-5-103(45), MCA, is used to clarify that JDIP applies only to youth under the age of 18.

20.9.106 REFERRALS TO THE COMMITTEE (1) and (2) remain the same.

(3) In addition to other requirements set forth in 41-5-2005, MCA, A referral must include a primary and alternative recommendation which are comparable in levels of care and security. If the primary recommendation for placement is in an in-state youth correctional facility, the alternative recommendation may be listed as "not applicable." The referral must be made in writing and must include the following information:

(a) through (g) remain the same.

(h) an completed risk assessment approved by the department of the youth's treatment needs using a recognized assessment or evaluation instrument which indicates the specific outcomes expected from the treatment or placement and how those outcomes will be measured and documented.

(4) through (7) remain the same.

AUTH: 53-1-203, MCA

IMP: 41-5-121, 41-5-122, 41-5-123, 41-5-124, 41-5-125, MCA

REASON: The proposed change ensures that the reader understands there are other requirements in a referral and addresses the fact that there are currently no in-state alternatives to Pine Hills or Riverside. The changes in subsection (3)(h) eliminate the redundancy of defining "risk assessment" in ARM 20.9.101 and clarify that the department must approve the form in order to ensure consistency.

20.9.113 PLACEMENT RECOMMENDATION PROCEDURES (1) In nonparticipating districts, the committee chair shall submit in writing the primary and alternative recommendations prior to disposition to the department juvenile community corrections bureau chief and youth court judge within 48 hours two working days of the meeting, excluding weekends and legal holidays in non-participating districts.

(2) remains the same.

(3) The committee chair shall make reasonable efforts to may notify the presiding youth court judge or department of its recommendation by telephone prior to submitting its written recommendation.

(4) remains the same.

(5) In participating districts, the committee chair shall send the recommendations to the presiding district judge within two working days of the committee meeting.

(5)(6) In participating districts at disposition, the youth court judge shall determine whether to accept either of the committee's recommendations. The youth court may make a placement after considering the recommendations of the

committee and the youth court shall enter the placement in the ~~CAPS~~ system for payment.

(a) and (b) remain the same.

(6) and (7) remain the same but are renumbered (7) and (8).

~~(8)(9)~~ All placements and services must be entered by the youth court accurately into the CAPS an automated system approved by and accessible by the department. A copy of the court order placing the youth and any other documents concerning the youth, including the initial youth placement committee referral packet, shall be provided to the department and the placement or service provider within three working days of placement for monitoring purposes.

(10) Each district shall comply with all entry requirements of the receiving facility or program pertaining to advance notice, required documentation, and minimum qualifications to participate in any treatment programs.

AUTH: 53-1-203, MCA

IMP: 41-5-123, 41-5-124, 41-5-125, MCA

REASON: The changes in section (1) are for style, grammar, and clarity. The distinction between the timelines for notice of committee recommendations to a participating or nonparticipating district are deleted as being unnecessary. Section (3) resolves an ambiguity in the former language. Reference to CAPS in section (9) is deleted to make generic reference to an automated system. Section (10) is necessary to highlight the need to comply with these requirements for efficiency in moving youth in the system.

#### 20.9.122 CONFIDENTIALITY OF COMMITTEE MEETING AND RECORDS

(1) through (3) remain the same.

(4) Recordings or records of committee deliberations used by the department for monitoring or audit purposes may not be disclosed to persons outside of the department or youth court unless such disclosure is authorized by court order or by operation of law of the district or youth court judge.

AUTH: 53-1-203, MCA

IMP: 41-5-123, 41-5-124, 41-5-125, MCA

REASON: The changes in section (4) clarify that these records may be subject to disclosure without a court order.

5. The proposed new rules provide as follows:

#### NEW RULE I COST CONTAINMENT REVIEW PANEL - OPERATIONAL PROCEDURES AND DUTIES

(1) Subject to the conflict of interest restrictions in 41-5-131, MCA, the department director shall appoint members of the panel for two-year terms and may reappoint members for subsequent two-year terms.

(2) The panel shall elect a chair and vice-chair from its membership who shall serve until their successors are elected. At least seven members are required to conduct an election.

(3) Meetings shall be held at the call of the chair as necessary to conduct business or upon a request of a majority of members. The panel shall meet in Helena or by telephone or videoconference.

(4) The department shall set aside \$5,000 from the cost containment fund to reimburse panel members for travel expenses incurred while engaged in panel business as provided by state law and administrative rule.

(5) The panel shall:

(a) determine the distribution to districts of juvenile placement funds allocated by the department;

(b) make a nonbinding recommendation to the department regarding any department contribution beyond the \$1 million minimum to the cost containment fund;

(c) review and make a recommendation regarding a district's request for a supplemental allocation (the department makes the final decision); and

(d) review and make a recommendation to the department on whether to approve a participating district's plan to spend prevention incentive funds (the department makes the final decision).

(6) The panel may request assistance from the department in the development and implementation of internal operating procedures of the panel.

AUTH: 41-5-2006, MCA

IMP: 41-5-131, 41-5-132, 41-5-2002, 41-5-2004, MCA

NEW RULE II DEPARTMENT DUTIES (1) The department shall:

(a) determine the amount of the cost containment fund at the beginning of each fiscal year;

(b) provide districts with monthly budget status reports and other technical assistance to monitor and evaluate expenditure of JDIP funds and development of programs;

(c) review and monitor each district;

(d) provide written notice five business days prior to any visit to gather or inspect records for the monitoring;

(e) provide other reasonable administrative assistance requested by the panel; and

(f) report the results of its monitoring to the legislature.

AUTH: 41-5-130, 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2002, 41-5-2003, MCA

NEW RULE III ALLOCATION OF JUVENILE PLACEMENT FUNDS TO JUDICIAL DISTRICTS (1) As provided by 41-5-132, MCA, each fiscal year the department shall transfer \$1 million from the juvenile placement fund into the cost containment fund. On or before April 30 of each year, the panel shall submit a recommended amount to be allocated to the cost containment fund. The department shall consider the recommendation and in its discretion determine the final amount of the cost containment fund at the beginning of the fiscal year.

(2) On or before April 30 of each year, the panel shall establish a formula to determine the amount of the allocation of juvenile placement funds to each district. The department shall provide each district with the formula and applicable data used to establish the formula.

(3) A district shall make reasonable attempts to confine its spending to the annual allocation, but may, in the event of unusual circumstances such as a youth requiring specialized mental health or sex offender treatment, apply for a supplemental allocation from the cost containment fund as set forth in [NEW RULE V].

AUTH: 41-5-130, 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2002, 41-5-2004, MCA

NEW RULE IV PARTICIPATING DISTRICTS – DISTINGUISHED (1) On a form provided by the department, a judicial district may elect to participate in JDIP prior to the start of a biennium, but once having made the election, must participate for a complete biennium.

(2) A district that does not participate in JDIP must obtain department approval before spending allocation funds on placements or services. A district that does not participate is not eligible to receive JDIP reimbursement for any service incurred while the youth resides with a custodial parent or legal guardian and is not eligible to retain prevention incentive funds.

(3) Participating districts shall give first priority to youth placements in spending allocation funds and typically reserve 80% of their allocation accounts for placements, but may allocate up to 50% of the account for panel-approved placement alternatives or early intervention alternatives if the participating district demonstrates:

(a) the decrease in the percentage reserved for placement corresponds with a decrease in the number of placements;

(b) the decrease in the percentage reserved for placement does not jeopardize funds available for appropriate placements;

(c) the district would not require a supplemental allocation; and

(d) the district will cease the program(s) if it is anticipated the district will exceed its initial allocation.

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-2002, 41-5-2003, 41-5-2005, MCA

NEW RULE V SUPPLEMENTAL ALLOCATIONS FROM COST CONTAINMENT FUND (1) Based on the monthly budget status report provided by the department, a district that has spent at least 80% of its allocation and projects a deficit in its allocation account in a fiscal year but continues to have youth requiring placement, shall, upon request of the department and on a form provided by the department, submit a written application to receive a supplemental allocation from the cost containment fund (also known as the "contingency fund"). The district shall freeze spending on allocation expenditures until the department approves the supplemental allocation.

(2) Supplemental allocations are available only to address unexpected placement or emergent service and not for ongoing program expenditures such as community-based services. The panel will not routinely grant supplemental allocations; however, a district requiring placement of a mentally ill youth or a youth in need of sexual offender treatment who does not meet minimal cognitive requirements of in-state sexual offender treatment programs will receive priority consideration to obtain a supplemental allocation.

(3) Within 20 working days of receipt of the application, the panel will schedule a meeting and notify the district of the time and place of the meeting. The district representative must appear in person to present the request unless the chair approves the district representative to appear by telephone or video conference.

(4) At least five working days before the meeting, the district shall submit to the department designee and each panel member an electronic copy of all documentation in support of its request. At a minimum, the documentation must include a complete summary of the district's prior placement expenditures for the past three years and a plan to mitigate the current expenditures.

(5) The panel shall review the documentation and may request that the district submit supplemental information. In making its decision, the panel may consider the district's historic use of high-cost placements, unusual expenditures that caused the district to exceed its budget, or whether the district has implemented previous panel recommendations for controlling JDIP expenditures.

(6) The department may approve or deny the request in whole or in part and place conditions on any supplemental allocation, including, but not limited to:

(a) restrict the supplemental allocation to a specific type of placement or service;

(b) capping or limiting the supplemental allocation;

(c) require the district to obtain department approval before expending funds on high-cost or out-of-state placements;

(d) require the district to address panel recommendations for controlling expenditures before being eligible for supplemental allocations in subsequent years; or

(e) require the district to mitigate its deficit by adjusting current youth placements.

(7) Within ten working days of the meeting, the panel shall issue a written decision of the reason for granting or denying a supplemental allocation from the cost containment fund. The decision is final and not subject to appeal.

(8) At the end of the fiscal year, the panel shall recommend to the department the use of unallocated cost containment funds by one or more participating districts or the department. Such funds may only be used for youth placement or placement related services or early intervention alternatives.

AUTH: 41-5-130, 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-2002, 41-5-2003, 41-5-2004, 41-5-2005, MCA

NEW RULE VI PREVENTION INCENTIVE FUNDS (1) At the end of each fiscal year, the department shall obtain a complete and accurate accounting of all placement expenses, establish accruals, and determine the final balance in each

participating district's allocation account. The department shall then nominate all unexpended funds as "prevention incentive funds" and transfer them to the youth intervention and prevention account administered by the court administrator.

(2) If payments owed to providers exceed the accrual established in (1), the court administrator shall pay providers out of the youth intervention and prevention account. If payments owed to providers are less than the accrual, the department shall transfer the remaining accrual balance to the court administrator for placement in the youth intervention and prevention account. Funds shall be distributed to districts according to the proportion of PIF funds initially transferred.

(3) The unexpended funds from nonparticipating districts shall remain with the department to be used solely for youth placement or placement-related services.

(4) Before April 1 of each year, on a form provided by the department, each participating district shall submit a tentative plan to use prevention incentive funds regardless of whether the participating district projects unused funds in its allocation account at fiscal year end. The plan must incorporate lower cost and less restrictive community alternatives or placements and, based on uniform standards for reporting outcomes set forth in [NEW RULE VII]:

- (a) be data driven and outcome based;
- (b) have a clearly articulated objective;
- (c) be supported by credible research, or have data to benchmark performance;

- (d) include an evaluation and assessment component; and

- (e) comply with state procurement requirements.

(5) The panel shall review the plan and advise the department on the plan's general efficacy and compliance with these rules. The panel may ask the participating district to supplement information in the plan. The department may approve or deny the plan in whole or in part or impose reporting requirements or additional conditions on the use of the funds. The department's decision is final. The department shall notify the court administrator and authorize the release of prevention incentive funds to the participating district according to the approved plan.

(6) A participating district may only use prevention incentive funds for early intervention alternatives which have documented outcomes that relate to reduction of delinquency, dynamic criminogenic factors, or secure residential placements per individuals or the district as a whole. During the first three years of the program, the district may rely on national outcomes. After the first three years of the program, the district must rely on local outcomes.

AUTH: 41-5-130, 41-5-2006, 41-5-2011, MCA

IMP: 41-5-130, 41-5-131, 41-5-2002, 41-5-2004, 41-5-2011, MCA

NEW RULE VII DISTRICT OPERATING STANDARDS - LIMITS ON EXPENDITURES (1) All districts shall keep an accurate account of all expenditures related to youth placement, placement alternatives, or early intervention alternatives regardless of the funding source.

(2) Districts may not use any JDIP funds, whether allocated funds, cost containment funds, supplemental allocation funds, or prevention incentive funds for:

- (a) salary, benefits, or training of federal, state, or county employees;
- (b) supplies or equipment that the district would normally provide for its employees;
- (c) programs or services previously provided by another available source;
- (d) placement or service for individuals aged 18 or older; or
- (e) transportation costs for youth traveling to or when released from a secure correctional facility.

(3) Districts shall enter expenditures pertaining to an individual youth into an automated accounting system approved by and accessible by the department (e.g., the CAPS system) no later than 30 days after the first day of service. Districts shall enter changes of placement or closure of service within five working days of the action.

(4) Districts shall independently track expenditures for services that do not pertain to an individual youth (and therefore are not capable of entry into the automated system referred to in (1)). Participating districts shall provide the department with copies of all bills or agreements to pay for such services within 30 days of incurring the obligation to pay for the service.

(5) The department may refuse to reimburse expenditures entered or submitted after 30 days unless good cause exists, including, but not limited to:

- (a) service providers not billing in a timely manner;
- (b) denial of Medicaid reimbursement after a lengthy consideration; or
- (c) denial of parents' insurance reimbursement after lengthy consideration.

(6) On a form provided by the department, and no later than 30 days from the last day of each fiscal year quarter, each district shall prepare and forward quarterly reports to the department documenting the use of diversionary and prevention programs and the use of placement services. On or before July 15 of each year, each district shall prepare and forward to the department an annual summary of this information.

(7) With respect to handling juvenile placement funds, each district shall allow the department access to all district records and follow all applicable state of Montana accounting, contracting, and records retention schedules.

(8) Districts shall establish annual baseline data and thereafter track and report annual changes to the baseline with respect to the total number of:

- (a) youth intakes from all sources, including another agency, the department, or a parent in regard to a youth being delinquent, or in need of intervention;
- (b) individual, "unduplicated" youth in the system during a specified time period;

- (c) youth placed out of state;
- (d) youth placed at a secure correctional facility; and
- (e) youth moving to a higher cost or more restrictive service or placement.

(9) Districts shall maintain data and report:

(a) the proportion of expenditures on services and placements, according to each type of placement, i.e., group home, therapeutic group home, in-state residential treatment, out-of-state residential treatment, foster care, shelter care, or independent living;

(b) comparative scores between the initial risk assessment and the six-month review; and

(c) comparative scores between initial and follow-up assessments of criminogenic risk factors related to preventive services provided to youth who have not been referred to juvenile probation and for whom a risk assessment is not required.

AUTH: 41-5-130, 41-5-2006, MCA

IMP: 41-5-130, 41-5-2002, 41-5-2003, 41-5-2004, 41-5-2005, 41-5-2011, MCA

NEW RULE VIII EVALUATION OF DISTRICTS BY DEPARTMENT (1) The department shall evaluate all districts to:

(a) promote consistency and uniformity in the placement of juvenile offenders;

(b) enable the development of and ensure the use of placement alternatives and early intervention strategies by the districts; and

(c) ensure that districts use funds as authorized and otherwise effectively control placement costs.

(2) In evaluating the districts, the department shall at least once each biennium review district, department, and panel records for the following:

(a) accessibility of district files and records;

(b) timely and accurate submission by district of quarterly and annual reports;

(c) timely and accurate data entry by district of fund expenditures and related information for reimbursement;

(d) timely and accurate requests for prior approval from the panel or department on JDIP expenditures;

(e) whether youth placement committee meetings have been held in accordance with rule;

(f) whether the placement of juvenile offenders is consistent and uniform relevant to risk assessment scores;

(g) proportionate utilization of out-of-state placements, placements, and placement alternatives;

(h) comparative commitments for similar offenses by the district to youth correctional facilities;

(i) comparison of intervention and prevention utilization and outcomes between districts;

(j) outcomes of various interventions and placements based on risk and need assessment;

(k) proper use of approved risk assessment tool;

(l) whether court uses early intervention alternatives and whether they effectively control youth placement costs; and

(m) whether funds are used as required by law and rules.

(3) In the event the department determines a discrepancy in a district's financial accounting, the department may contract with an independent auditor to conduct an audit of the district's account.

(4) If, as a result of the evaluation, the department determines that the district is not in substantial compliance with requirements of Title 41, chapter 5, MCA, pertaining to the juvenile delinquency intervention program, this subchapter, or any

stated recommendation of the panel regarding JDIP funds, the department shall require the district to respond with a plan of action. Failure of the district to submit within a reasonable time an appropriate plan of action or failure to comply with a submitted corrective plan may result in the discontinuation of funding.

AUTH: 41-5-130, 41-5-2006, MCA

IMP: 41-5-131, 41-5-2002, 41-5-2003, 41-5-2004, MCA

6. The rules proposed to be repealed are as follows:

20.9.123 EVALUATION OF JUDICIAL DISTRICTS found at ARM page 20-292.

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2001, 41-5-2002, 41-5-2003, 41-5-2004, 41-5-2005, 41-5-2006, MCA

20.9.124 ACCESS TO DISTRICT RECORDS found at ARM page 20-292.

AUTH: 41-5-2006, MCA

IMP: 41-5-215, 41-5-216, 41-5-2003, MCA

20.9.128 REPORT TO THE LEGISLATURE found at ARM page 20-297.

AUTH: 41-5-2006, MCA

IMP: 41-5-2006, MCA

20.9.129 ALLOCATION OF JUVENILE PLACEMENT FUNDS TO JUDICIAL DISTRICTS AND COST CONTAINMENT FUND found at ARM page 20-297.

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, MCA

20.9.134 DISTRIBUTION OF FUNDS TO PARTICIPATING DISTRICTS AT THE END OF A FISCAL YEAR found at ARM page 20-301.

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2003, MCA

20.9.135 MONITORING AND AUDITING OF PARTICIPATING AND NONPARTICIPATING DISTRICTS found at ARM page 20-302.

AUTH: 41-5-2006, 53-1-203, MCA

IMP: 41-5-123, 41-5-2006, MCA

20.9.140 DISTRIBUTION OF COST CONTAINMENT found at ARM page 20-305.

AUTH: 41-5-2006, MCA

IMP: 41-5-130, 41-5-131, 41-5-132, 41-5-2006, MCA

20.9.141 COST CONTAINMENT REVIEW PANEL found at ARM page 20-305.

AUTH: 41-5-2006, MCA

IMP: 41-5-132, MCA

7. Concerned persons may present their data, views, or arguments concerning the proposed action in writing to Myrna Omholt-Mason at the contact information listed in paragraph 2, and must be received no later than 5:00 p.m. on May 16, 2006.

8 Colleen A. White, Hearings Examiner, will preside over and conduct the hearing.

9. The Department of Corrections maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all department administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to Myrna Omholt-Mason, at the contact information listed in paragraph 2; or may be made by completing a request form at any rules hearing held by the Department of Corrections.

10. An electronic copy of this Notice of Public Hearing is available through the department's website at [www.cor.mt.gov](http://www.cor.mt.gov). The department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

11. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

/s/ Bill Slaughter

BILL SLAUGHTER, Director  
Department of Corrections

/s/ Colleen A. White

COLLEEN A. WHITE, Rule Reviewer  
Department of Corrections

Certified to the Secretary of State March 27, 2006.